

Docket No. 4419-4068

Express Mail No. EV245499286US

22264 U.S. PTO
10/697607

102903

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
UTILITY APPLICATION AND FEE TRANSMITTAL §(1.53(b))

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

KAY, Scott, 565 South Mountain Road, New City, New York 10956

Additional inventors are listed on a separate sheet

For: **LOCKING TOGGLE ASSEMBLY FOR JEWELRY**

Enclosed Are:

7 page(s) of specification
1 page(s) of Abstract
5 page(s) of claims (1-21)
2 sheets of Formal Informal drawings (FIGS. 1-4)
9 page(s) of Declaration and Power of Attorney

- Unsigned
 Newly Executed
 Copy from prior application
 Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

- Incorporation by Reference:
- The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.
- Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))
Signed statement attached deleting inventor(s) named in the prior application serial no. _____, filed _____.
- Microfiche Computer Program (Appendix)
 page(s) of Sequence Listing
 computer readable disk containing Sequence Listing
 Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same
- Assignment Papers (assignment cover sheet and assignment documents)
 A check in the amount of \$40.00 for recording the Assignment
 Charge the Assignment Recordation Fee to Deposit Account No. 13-4500, Order No. _____.
 Assignment Papers filed in the parent application Serial No. _____
- Certification of chain of title pursuant to 37 C.F.R. §3.73(b)
- Priority is claimed under 35 U.S.C. §119 for:
Application No(s). _____, filed _____, in _____ (country).
 Certified Copy of Priority Document(s) [_____]
 filed herewith
 filed in application Serial No. _____, filed _____.
 English translation document(s) [_____]
 filed herewith
 filed in application Serial No. _____, filed _____.
 Priority is claimed under 35 U.S.C. §119(e) for:
Provisional Application No. _____, filed _____.

- Information Disclosure Statement
 - Copy of [11] cited references
 - PTO Form-1449
 - References cited in parent application Serial No. ____, filed ____.
- Related Case Statement under 37 C.F.R. §1.98(a)(2)(iii)
 - A copy of related pending U.S. Application(s) Serial No(s): ____, filed ____, respectively, is attached hereto.
 - A copy of related pending U.S. Application(s) entitled, ____, filed ____ to inventor(s) ____, respectively, is attached hereto.
 - A copy of each related application(s) was submitted in parent application serial no. ____, filed ____.
- Preliminary Amendment
- Return receipt postcard (MPEP 503)
- This is a continuation divisional continuation-in-part of prior application serial no. ____, filed ____, to which priority under 35 U.S.C. §120 is claimed.
 - Cancel in this application original claims ____ of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
 - A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
- The status of the parent application is as follows:
 - A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until ____.
 - A copy of the Petition for Extension of Time in the co-pending parent application is attached.
 - No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- Transfer the drawing(s) from the parent application to this application
- Amend the specification by inserting before the first line the sentence:
This is continuation divisional continuation-in-part of co-pending application Serial No. ____, filed ____.

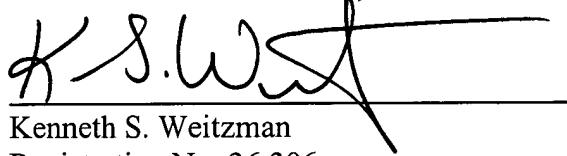
I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$770.00/385.00
Total Claims	21- 20 =	1x	\$18.00/ \$9.00	\$ 9.00
Independent Claims	3- 3 =	0x	\$86.00/ \$43.00	\$ 0
<input type="checkbox"/> Multiple Dependent Claims	If marked, add fee of \$290.00 (\$145.00)			\$
			TOTAL:	\$ 394.00

- Small entity status is or has been claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$394.00.
- A check in the amount of \$394.00 in payment of the application filing fees is attached.
- Charge fee to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, **including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency** with the parent application, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4419-4068. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Dated: October 29, 2003

By:

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.



Kenneth S. Weitzman
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): KAY, Scott

Group Art To Be Assigned

Serial No.: To Be Assigned

Examiner: To Be Assigned

Filed: October 29, 2003

For: LOCKING TOGGLE ASSEMBLY FOR JEWELRY

EXPRESS MAIL CERTIFICATE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail Label No.: EV245499286US

Date of Deposit: October 29, 2003

I hereby certify that the following attached paper(s) and/or fee

1. Application Fee Transmittal (4 pages, in duplicate);
2. Utility Application including Specification (7 pages), claims (5 pages), abstract (1 page) and Formal Drawings (2 sheets - FIGS. 1-4);
3. Executed Combined Declaration And Power Of Attorney (9 pages);
4. Information Disclosure Statement (3 pages, in duplicate);
5. PTO Form 1449 (1 page);
6. Copy of eleven (11) references cited in PTO Form 1449;
7. Check in the amount of \$394.00; and
8. Return postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ALBERT ISLES

(Typed or printed name of person mailing paper(s) and/or fee)

(Signature of person mailing paper(s) and/or fee)

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